



Handwritten initials and signature.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
EMP04-27

First named inventor: Raymond S. Wach

Application No.: 09/859,716

Art Unit: 2141

Filed: May 17, 2001

Examiner: Nicholas R. Taylor

Title: METHOD OF PERFORMING DISTRIBUTED LOAD TESTING

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity - fee \$750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Amendment (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

04/24/2007 BARRAHAI 00000061 09859716

☒ is enclosed herewith.

01 FC:2453

750.00 US

B. The issue fee of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

April 18, 2007

Date

*David W. Rouille*

Signature

Telephone  
Number: (508) 616-9660

David W. Rouille, Esq.

Typed or printed name

Chapin Intellectual Property Law, LLC

Address

Westborough Office Park  
1700 West Park Drive  
Westborough, MA 01581

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other : Transmittal, Return Receipt Postcard (in duplicate)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

April 18, 2007

Date

*Penny A. Coelho*

Signature

Penny A. Coelho

Typed or printed name of person signing certificate



ATTORNEY DOCKET NO.: EMP04-27  
SMALL ENTITY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Raymond S. Wach  
Serial No.: 09/859,716  
Title: METHOD OF PERFORMING DISTRIBUTED LOAD TESTING  
Filing Date: May 17, 2001  
Examiner: Nicholas R. Taylor  
Art Unit: 2141  
Conf. No.: 4114

**Certificate of Mailing Under 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Attention: Office of Petitions, **Mail Stop Petition**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: April 18, 2007

By: Penny A. Coelho  
(Typed or printed name of person mailing  
Document, whose signature appears below)

Signature: \_\_\_\_\_

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
PO Box 1450, Alexandria  
Virginia 22313-1450

**STATEMENTS ACCOMPANYING PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY**

Sir:

Accompanying the enclosed Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) is an Amendment.

-2-

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

In the event that any questions remain regarding this Application, the Patent Office is encouraged to telephone the undersigned so that issuance of this Application may be expedited.

Respectfully submitted,



David W. Rouille, Esq.  
U.S.P.T.O. Registration No.: 40,150  
Attorney for Applicant  
Chapin Intellectual Property Law, LLC  
Westborough Office Park  
1700 West Park Drive  
Westborough, Massachusetts 01581  
Telephone: 508-616-9660  
Facsimile: 508-616-9661

Attorney Docket No.: EMP04-27

Date: April 18, 2007